THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20309 of 2005

Date:14.09.2005

M/s. Savaraju Modern Rice Mill, Rep. By its Managing Director, V.Harinarayana Raju, S/o.Vishwanatha Raju, R/o.6-3-29/5, Vamsadhara Quarters Road, Srikakulam District.

--------PETITIONER

The Assistant Commissioner and another

---------RESPONDENTS

ORDER:

The petitioner is a Rice Mill and it is covered by the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act'). It has been making contributions from the year 1999 for the various employees engaged by it. The 1st respondent passed an order, dated 27.07.2005, holding that the petitioner is liable to pay a sum of Rs.1,21,211/- after giving credit to a sum of Rs.9,838/-. The grievance of the petitioner is that the amount paid by it between 1999 and 2002 was not taken into account and that it is included in the order, dated 27.07.2005. On that ground, the said order is challenged in this writ petition.

Heard the learned counsel for the petitioner and Sri R.N.Reddy, the learned Standing Counsel for the respondents.

The writ petition raises certain disputed questions of fact. It is difficult for this Court to undertake any adjudication into the same. It is not as if the petitioner is without any remedy. The only controversy is as to the adjustment. The petitioner can point out the same to the 1st respondent by filing an application for review, under Section 7-B of the Act. The dispute is only in relation to

Rs.65,762/-.

For the foregoing reasons, the writ petition is disposed of, directing that it shall be open to the petitioner to file an application under Section 7-B of the Act for review of the order, dated 27.07.2005, insofar as it relates to the disputed amount. The petitioner shall, however, be liable to pay the balance amount. Pending such review, there shall be stay of recovery of a sum of Rs.65,762/-. There shall be no order as to costs.

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14.09.2005

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